



MEMORANDUM

Agenda Item # 37

TO: Metropolitan Planning Commission

FROM: Mike Reynolds, Planner II
Mark Donaldson, Executive Director

DATE: June 5, 2013

SUBJECT: Appeal of Downtown Design Review Board Decision
Demolition of 710 & 712 Walnut Street

Request:

Arthur Seymour, Jr., on behalf of St. John's Cathedral ("Church"), has appealed the decision of the Downtown Design Review Board ("Board") to deny a Certificate of Appropriateness for the demolition of the two structures at 710 and 712 Walnut Street.

Authority for the Appeal:

Article IV, Section 5.5.F of the Knoxville Zoning Ordinance provides that "any person who was a party for or against the application at the downtown design review board meeting may appeal approval, conditions of approval, or disapproval of such application to the metropolitan planning commission."

Authority for the Downtown Design Review Board Action:

The Board is authorized to review and approve private development plans, based on the adopted design guidelines as set forth at the time of amendments to the zoning map.

The Board is authorized to grant a Certificate of Appropriateness with or without attached conditions or deny said certificate, and shall state the reasons for denial or the conditions attendant with the granting of a certificate in writing.

Article IV, Section 5.5.F (D-1, downtown design overlay district) of the Knoxville Zoning Ordinance was amended in July, 2008, concurrently with the Downtown Knoxville Design Guidelines ("Guidelines"), to require a Certificate of Appropriateness for the demolition of buildings and building features facing a publicly-oriented space.

Background:

The Church has owned 710 and 712 Walnut Street for many years and has leased them as office space. The Church has owned many properties in their block over the years and sold most as they determined their future needs.

The Church applied for a Certificate of Appropriateness in October 2011 because of the cost to maintenance the buildings and their long term goal to create a new accessible entrance to the rear of the building.

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At the October 2011 Board meeting, the Church first presented a plan to demolish the buildings, clear the site building materials and stabilize the site. The staff recommendation was to approve the demolition with the condition that they come into compliance with the buffering guidelines for parking lot which requires a fence, landscaping or a wall adjacent to sidewalks. During the meeting the Church stated that they are willing to meet these requirements. The Board voted to postpone until the next board meeting to allow the Church time to produce a plan.

At the November 2011 Board meeting, the Church presented a plan for the site that incorporates landscaping, fencing, pedestrian gateway and a lawn. In addition, the Church stated that they are in continued discussions with Knox Heritage to explore alternatives to demolition and would like more time to continue these discussions. The Board voted to postpone until the next board meeting to allow the continued discussion for alternatives to demolition.

The Church thereafter requested postponement monthly or bi-monthly until May 2013. The Board approved the postponement requests to allow the continued discussion for alternatives to demolition.

At the May 2013 Board meeting, the Church stated that they reviewed all options presented to them to find alternatives to demolition and the Church would like to pursue the request to demolish the two buildings and landscape the site as proposed in November 2011. The Church stated in this meeting that the landscape plan is a short term plan for the site with a long term plan to build a new driveway across this site to provide access to a new covered entry to the rear of the building, facing the parking lot.

Analysis:

The Guidelines have two sections that cover demolition requests, Section 1.B.8 (Private Realm) and Section 1.C.12 (Historic Resources). The Historic Resources section is used only when an application involves modifying the exterior of a structure listed on the National Register of Historic Places, either individually or as part of a district. The structures at 710 and 712 Walnut Street are not listed on the National Register of Historic Places, which means the applicable demolition guidelines are in Section 1.B (Private Realm), as follows:

Section 1.B.8 (demolition and removal of buildings or building features)

The demolition of buildings in areas of downtown outside of Historic Overlay Districts and National Register Districts, or properties listed individually on the National Register of Historic Places, may be appropriate when in compliance with the guidelines. Also, the removal of building features may be approved with appropriate façade treatment.

Guidelines:

- 8a. If a building is demolished, all visible unutilized building materials must be removed, all visible unutilized building material must be removed and the site must be vegetated or otherwise brought into compliance with the guidelines.
- 8b. Any building features facing a publicly-oriented space (not including alleys) shall not be removed/demolished without a Certificate of Appropriateness.
- 8c. See Section 1.C: Historic Resources for guidance on demolition and removal of building features in National Register Districts.

Staff reviewed the Guidelines and determined only the guidelines in Section 1.B.8 apply to the requested demolition. Staff further found, in some instances, the guidelines do not treat similar types of requests equally. For example, if the Church requested to replace the buildings with a surface parking lot, the guidelines recommend decorative walls, fencing and landscaping (Section 1.A.3.d). Staff determined that the replacement of the buildings with an empty lot is akin to that of surface parking in that there is still a need to delineate the public and private realms.

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Findings:

The Board, through its discussion, found that the church did not submit a design for their long term vision of the site and would need to do so before the Board can consider approving the request.

The Board also acknowledged that the Guidelines are vague in describing what sections need to be met to be in compliance and do not provide guidance on how to determine when it is appropriate to demolish a building.

Staff Recommendation:

Staff finds that the applicant has considered alternative uses of the buildings, stated the long term proposed use for the property and proposed appropriate landscaped treatment at the street edge in accordance with the guidelines. Therefore, Staff recommends the approval of the Certificate of Appropriateness to allow the demolition of 710 and 712 Walnut Street and the installation landscaping, fencing and pedestrian gateway as shown in the attached plans submitted by St. John's Cathedral.

Attachments:

Minutes of the May 2013 Downtown Design Review Board meeting
Landscape Plan submitted by St. John's Cathedral